

Appl. No. 10/631,144

Reply dated November 16, 2005

Reply to Office Action of August 16, 2005

Remarks/Arguments

Claims 1-26 are pending in the Application; however, claims 1-15 and 22-26 are withdrawn and therefore claims 16-21 are presented for the Examiner's consideration.

Pursuant to 37 C.F.R. § 1.111, reconsideration of the present application in view of the following remarks is respectfully requested.

Applicants thank the Examiner for indicating allowable subject matter in claims 20 and 21 in the Office Action mailed August 16, 2005.

In the Office Action mailed August 16, 2005, the Examiner rejected claims 16, 17 and 19 under 35 U.S.C. §102(b) as allegedly being anticipated by and thus unpatentable over U.S. Patent No. 3,657,062 to Eshima et al. (hereinafter "Eshima et al.") This rejection is respectfully **traversed** to the extent it may apply to the currently presented claims.

The invention as presently claimed in claim 16 is directed to a crimped thermoplastic multicomponent fiber having first and second thermoplastic components which are arranged in a crimpable cross-sectional configuration, where the first thermoplastic component includes at least about 5 percent by weight of a dielectrically susceptible additive material.

Turning to the cited reference, as the Examiner has noted Eshima et al. teach a crimped composite fiber having pigment, and the pigment can include carbon black. The Examiner further stated that Eshima et al. teach a fiber having 0.5% to 10% carbon black. However, Applicants respectfully disagree with this statement. Upon thorough review, Eshima et al. appear to teach fibers having 0.5 to about 2 percent of pigment, but Applicants are unable to find any teaching of fibers having 10 percent pigment. Note, the words "10 percent" are used by Eshima et al. at column 2 line 51, but this is with respect to the percent of shrinkage of the fiber, not a statement of pigment concentration. The entire sentence referenced is, "FIG. 3 shows that the percentage heat shrinkage of the fibers of polypropylene resin having a pigment concentration of 0.5 percent by weight or less is about 10 percent at most."

Therefore, Applicants believe Eshima et al. has not been shown to disclose all of the parameters or requirements of their claims as presented, and Applicants therefore respectfully submit that the rejection of claims 16, 17, and 19 under 35 U.S.C. §102(b) over Eshima et al. should be withdrawn.

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In the Office Action mailed August 16, 2005, the Examiner also rejected claims 16-19 under 35 U.S.C. §103 as allegedly being obvious and thus unpatentable over the combination of the above-referenced Eshima et al. with U.S. Patent No. 6,506,873 to Ryan et al. (hereinafter "Ryan et al."). This rejection is respectfully **traversed** to the extent it may apply to the currently presented claims.

Ryan et al. relate to degradable or compostable polylactide fibers, and as noted by the Examiner, list carbon black as a possible pigment. As the Examiner noted, Ryan et al. also state generally that one component of the fiber may be a copolyester. However, as the Examiner also noted, Ryan et al. appear to be silent with respect to the amount of carbon black that may be used in their fibers. As noted above, Eshima et al. fail to disclose all of the parameters of claim 16, and Applicants submit that the combination with Ryan et al. does not remedy this deficiency. Therefore, Applicants respectfully submit that the rejection of claims 16-19 under 35 U.S.C. §103 over the combination of Eshima et al. with Ryan et al. should be withdrawn.

For at least the reasons stated above, it is respectfully submitted that all of the currently presented claims are in form for allowance.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: 770-587-8908.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION

I, Robert A. Ambrose, hereby certify that on November 16, 2005, this document is being faxed to the United States Patent and Trademark Office, central facsimile machine at (571) 273-8300.

By: 

Robert A. Ambrose